

**PUBLIC WORKS COMMITTEE MINUTES**  
**City Council Chambers**  
**140 West Pine Street**  
**Missoula, Montana**  
**June 6, 2012, 2:05 PM**

**I. Administrative Business**

A Roll Call

**Members present:** Adam Hertz, Bob Jaffe, Jon Wilkins, Mike O'Herron, Dick Haines, Marilyn Marler, Ed Childers, Jason Wiener, Alex Taft

**Members absent:** Dave Strohmaier, Caitlin Copple

**Others present:** Bob Wachtel, Steve King, Monte Sipe, Phil Smith, Ben Weiss, Ann Cundy, Doug Harby, Dan Jordan, Kevin Slovarp

1. Approve the minutes of May 23, 2012 and May 30, 2012.  
[May 23, 2012](#) & [May 30, 2012](#)

The minutes were approved as submitted.

**II. Public Comment on Items not Listed - None**

**III. Regular Agenda**

A Resolution clarifying resolution number 3217, adopted by City Council on June 4, 1973, closing and vacating a portion of West Beckwith Avenue in South Missoula Addition to the City of Missoula. ([memo](#)) (REMOVE FROM AGENDA)

**Motion** The committee recommends the City Council adopt a [resolution](#) clarifying resolution number 3217, adopted by City Council on June 4, 1973, closing and vacating a portion of West Beckwith Avenue in South Missoula Addition to the City of Missoula and that the vacated portion revert to Lot 8, Block 78, Knowles Addition No. 2.

Dan Jordan, GIS Manager, gave a brief history of the issues with regard to the existing resolution and gave some brief visuals of the changes. A triangular portion of vacated Beckwith Avenue adjacent to Lot 8 did not clarify what property the vacated portion would revert to. A small triangular piece was granted to the city for right-of-way. The resolution and motion clarify who the vacated portion will revert to.

Jon Wilkins made the motion to approve. Hearing no public comment, the motion carried unanimously. Jason Wiener was not present for this vote.

B Resolution to order proposed curb and sidewalk project in the Spruce Street and Woody Street area, Project 10-033, and give notice to all affected property owners. ([memo](#)) (REMOVE FROM AGENDA)

**Motion** The committee recommends the City Council adopt a [resolution](#) to order curb and sidewalk improvements adjacent to properties in the Spruce Street and Woody Street area and direct that notice be given to all affected property owners.

Doug Harby, Construction Project Manager, gave a brief overview of the project.

Ed Childers made the motion to approve.

Committee/Staff Discussion

What was the county's response regarding the two sidewalk assessments the county would be responsible for paying around the courthouse?

*The county was notified 6 months ago so the assessment could be included in their budget process. They were very aware that the sidewalks were in need of repair due to a trip and fall on the west side of Woody Street. The county did not have a process in place to replace sidewalks like the city did. Also, the person in charge of risk management at the county was very interested in gas tax money for covering sidewalk replacement for the county.*

Hearing no public comment, the motion carried unanimously.

- C Engineering Services Amendment No. 7 to the West Reserve Interceptor Project with HDR Engineering, Inc., for the Russell Street Sewer Evaluation in an amount not to exceed \$19,243.70. ([memo](#)) (REMOVE FROM AGENDA)

**Motion The committee recommends the City Council approve and authorize the Mayor to sign Amendment No. 7 to the Engineering Services Agreement for the West Reserve Interceptor Project with HDR Engineering, Inc., for the Russell Street Sewer Evaluation in an amount not to exceed \$19,243.70.**

Steve King, Public Works Director, explained that the Russell Street sewer line was installed in the 1960s and before Russell Street is rebuilt it was important to make sure all utilities, including sewer, are in good shape before roads are reconstructed. The action today was to allow HDR Engineering, Inc., to evaluate the sewer capacity in Russell Street.

HDR Engineering, Inc., were experts at evaluating hydraulic lines for capacity and performing computer modeling.

Jon Wilkins made the motion to approve.

Jason Wiener arrived at 1:39 p.m.

Committee/Staff Discussion

Where is the funding coming from for this project?

*Up to \$50,000 was budgeted for the evaluation, \$19,243.70 is needed for this phase and the city hopes to spend no more than that; however, if the line requires reconstruction it could be very expensive. Up to one million dollars has been budgeted through the sewer utility replacement depreciation account, which is funded through sewer rate billing, for reconstruction but the hope is that the existing capacity is adequate and that only minor reconstruction will need to be done.*

Would any funding be available through state or federal participation as part of the upcoming Russell Street project?

*If there was mitigation for the road project changing manholes, structures, or valves it would be covered at a rate of 75% federal/state and 25% local; however, most of the work being done is upgrades or repairs for existing infrastructure which the federal/state government will not pay for. The work being done will most likely be funded locally.*

Hearing no public comment the motion carried unanimously.

- D Memorandum of Understanding between the City of Missoula and Missoula County related to temporary management of the City Bicycle and Pedestrian Program. ([memo](#)) (REMOVE FROM AGENDA)

**Motion The committee recommends the City Council approve and authorize the**

**Mayor to sign the Memorandum of Understanding between the City of Missoula and Missoula County related to temporary management of the City Bicycle and Pedestrian Program.**

Steve King, Public Works Director, explained that Bicycle Pedestrian Coordinator, Phil Smith, is retiring. Because of the restructuring of Public Works and the Office of Planning and Grants it was decided not to hire a new employee and it would be a better option to hire someone in house in the interim until the two divisions sorted out the new department. Ben Weiss was the logical choice since he had been a Bicycle Ambassador and he currently worked for Missoula in Motion and was currently a County employee.

Committee/Staff Discussion

Why is it necessary to have a formal agreement between the city and the county addressing Planning and Grants?

*Even though there is an existing interlocal agreement between the city and county, Jim Nugent, the City Attorney, advised that the appropriate course of action would be to memorialize this arrangement in a memorandum of understanding since there was a significant cost involved and it was within the public interest to continue the program.*

Was there a potential conflict of interest since Mr. Weiss worked for the county at Missoula in Motion currently?

*No this was explicitly a temporary assignment with City Public Works and his Missoula in Motion duties would be covered and he would be able to go back to his job after a year. Recruitment for a new Bicycle Pedestrian Coordinator would be through Human Resources normal hiring process, although Mr. Weiss could apply if he so desired.*

Alex Taft made the motion to approve.

Public Comment

Bob Wachtel of the Bicycle Pedestrian Board and Bike Walk Alliance for Missoula urged approval of the motion on behalf of the Bicycle Pedestrian Board. It was important to maintain continuity for all the existing programs that needed to be maintained by the Bicycle Pedestrian Program.

Hearing no more discussion or public comment, the motion carried unanimously. Jason Wiener was not present for this vote.

E Amendments to Missoula Municipal Code (MMC) 8.40, Hazardous Vegetation Ordinance. ([memo](#)) (REMOVE FROM AGENDA)

**Motion The committee recommends the City Council set a public hearing on June 25, 2012 to consider an [ordinance](#) amending Chapter 8.40 of the Missoula Municipal Code entitled "Hazardous Vegetation" for the purpose of clarifying the process for delivery of violation notices and to change information about the billing process for consistency with current procedures.**

Steve King, Public Works Director, explained that this was a yearly review of the city's Hazardous Vegetation ordinance and some recommended changes that had come out of that. The first change was suggested in 8.40.020 (C). There was not a good way to document receipt of notification letters. A property owner could claim they never received the city's letter notifying them of the complaint and time frame to remedy the situation. The suggestion was to give a property owner 12 days after the date the Public Works Department mails the notice to comply, which would be considered proper legal notice. Although this change was suggested, the city will continue to work with the property owner

in order to gain compliance of the ordinance. This would just simplify working with the property owner.

The next ordinance change suggested was to 8.40.040 (A). The ordinance states that a property owner should be billed a minimum of \$108 per hour for vegetation removal. The current practice was not to charge a flat fee for vegetation removal. The amount charged to the property owner was on a per job basis and was the actual bid cost. The city competitively bid vegetation removal.

#### Committee/Staff Discussion

What was the \$312 administration fee for? Was it on top of the \$108?

*The \$312 will remain and was the cost for staff to provide the service to contract the cut. This cost had been audited and documented by the Finance Department as the unit cost to provide the service. The property owner is then charged \$312 plus the actual cost of the work done by the contractor.*

What if a property owner is physical unable to perform vegetation removal?

*That property owner would have to work with neighbors, or volunteers, or contract with a private party to get the work done. The city would rather not go through this process. The city works with the property owner to get the work done privately. The city rarely gets to the point of putting a lien against the property of the homeowner in order to pay for work because it was ordered by the city for safety reasons. Also, for clarification, the city does not always hire the lowest bidder. A contractor is also hired based on equipment and past performance; however, the cost was typically lower than \$108 an hour.*

Did the current ordinance also include removal of noxious weeds?

*No, this ordinance only covered hazardous vegetation that became a personal safety issue. Noxious weeds were covered under state law.*

Mike O'Herron made the motion to set the public hearing. Hearing no public comment, the motion carried unanimously. Jason Wiener was not present for this vote.

#### **IV. Ongoing and Held Committee Business**

1. Resolution to change the speed limit on Reserve Street between Brooks and 39<sup>th</sup> Street. ([memo](#))—Regular Agenda (Wayne Gravatt) (Referred to committee: 01/24/2011)
2. Discuss the timing of various traffic lights around the city. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 09/26/2011)
3. Discuss the school speed zones. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 09/26/11)
4. Resolution modifying Resolution Number 6719 closing and vacating all of the platted South 4th Street right-of-way between Eaton Street and Schilling Street. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 06/04/2012)

#### **V. Adjournment**

Respectfully submitted,  
Heidi Bakula  
Administrative Secretary